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September 26, 1984

Certified Mail: Return Receipt Requested No. P227017193

Mr. R. H. Johnson
Refinery Manager
Sinclair Oil Corporation
P. O. Box 970
Tulsa, Oklahoma 74101

Re: Pending Confidentiality Determination on Sinclair Oil's
Claim of Business Confidentiality (CERCLA Information)

Dear Mr. Johnson:

By your letter of May 4, 1984 the Sinclair Oil Corporation (hereinafter the Submitter) submitted materials to EPA with a claim of business confidentiality, consisting of a refinery plot map no. 15-83, EE plot map of monitoring wells and lysimeters, and sketches of well installations, a total of 4 pages.

This letter is a notice that the Office of Regional Counsel of U.S. Environmental Protection Agency's Region 6 is currently determining under 40 CFR Part 2, Subpart B, whether the information is entitled to confidential treatment.

Prior to making that determination, EPA is affording you this opportunity to comment on the following issues:

1. The portions of the information which are alleged by the Submitter to be entitled to confidential treatment,
2. The period of time for which confidential treatment is desired (e.g., until a certain date or until the occurrence of a certain event, etc.),
3. Measures taken by the Submitter to guard against undesired disclosure of the information to others,
4. The extent to which the information has been disclosed to others and the precautions taken in connection therewith,
5. Pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determination or reference to it,
6. Whether the Submitter asserts that disclosure of the information would be likely to result in substantial harmful effects on its competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial,

and an explanation of the causal relationship between disclosure and such harmful effects (including the manner in which the information is used in Submitter's business and the manner in which the competitor would use the information to Submitter's detriment),

7. Whether Submitter asserts that the information is voluntarily submitted information as defined at 40 CFR 2.201(f) and if so, why disclosure of the information would tend to lessen the availability of similar information in the future,

8. Whether Submitter asserts that it submitted the information at all, i.e., whether or not the information is "submitted by a person" pursuant to 5 USC 552(b)(4),

9. Whether the information, or part thereof, constitutes "emission data" pursuant to 40 CFR 2.301 or "effluent data" pursuant to 40 CFR 2.401, and


10. Any other issue deemed relevant by you/Submitter.

Please note that Submitter must bear the burden of substantiating its confidentiality claim pursuant to 40 CFR 2.208(e). Conclusory allegations of fact will be given little or no weight in the determination. If relevant facts necessary to the substantiation are themselves confidential, please identify them as such so that EPA may maintain their confidentiality pursuant to 40 CFR 2.205(c). If no claim is asserted replies will be available to the public without further notice.

Submitter's comments are due in this office within 15 working days of receipt of this letter. Failure to comment within that time will be regarded as a waiver of the claim. You may apply for an extension of the comment period only in accordance with the provisions of 40 CFR 2.205(b)(2).

If you have any questions in this matter, you may call me at (214) 767-6552.

Sincerely,


Paul H. Witthoeft
Assistant Regional Counsel (6ORC-G)

bcc: Gary Guerra (6AW-SE)
Read File (6ORC)

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MFR:9-25-84:Phil Watts/E&E has no recollection of any claim of confidentiality for entire record.